IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 4363 of 2007(T)

PETITIONER:

NIJUMUDEEN.A., PROPRIETOR,
MAK CASHEW FACTORY, PERAYAM, UMAYAHALLOOR,
KOLLAM.

BY ADV. SRI.P.N.MOHANAN
SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE, KOLLAM.

3. CIRCLE INSPECTOR OF POLICE,
CHATHANNUR.

4. SUB INSPECTOR OF POLICE, KOTTIYAM.

5. SHAHUL HAMEED, S/O.ABDUL MUTHALEEF,
THODIYIL PUTHANVEEDU, PERAYAM, CONVENOR,
CASHEW WORKERS UNION (CITU) PERAYAM.

6. THAJUDHEEN, S/O.ABOOBACKER KUNHI,
CONVENOR, CASHEW WORKERS UNION (CITU),PERAYAM.

R1 TO R4 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.4363/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: PHOTOCOPY OF THE LEASE AGREEMENT DATED 1.1.2006 EXECUTED BY THE PETITIONER AND ONE NABEESA BEEVI.

EXT.P2: PHOTOCOPY NOTICE DATED 17.11.2006 ISSUED BY KERALA FINANCIAL CORPORATION.

EXT.P3: PHOTOCOPY OF THE FACTORY LICENSE ISSUED BY THE JOINT REGISTRAR OF FACTORIES AND BOILERS.

EXT.P4: PHOTOGRAPH OF THE SITE (TWO IN NUMBER)

EXT.P5: PETITIONS DATED 30.1.2007 FILED BY PETITIONER BEFORE THE 2ND, 3RD AND 4TH RESPONDENTS.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.4363 OF 2007

Dated 19th February, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. It is the case of the petitioner that he has taken a Cashew Factory on the basis of Ext.P1 Lease deed. Even though petitioner agreed to pay revised wages with effect from 15.1.2007, due to the obstruction of respondent Nos.5 and 6, He is unable to function the factory. It is also submitted that about 100 employees are working in the factory and petitioner has taken KFC loan. In view of the threat on the part of certain people, even though they are not workers of the factory, he is unable to run the factory smoothly. We have issued notice by special messenger on 8.2.2007. Even though notice was sent on 9.2.2007 and there was one adjournment, there is no appearance for the contesting respondents. Considering the facts and circumstances of the case, police is directed to grant adequate protection to the petitioner's factory from illegal threat and obstruction by fifth and sixth respondents or their supporters. Police should also see that ingress and egress of the willing workers, customers, management staff etc. to the petitioner's factory are not restrained. Movement of vehicles to and fro from the factory also should not be restrained. Even if there is a peaceful demonstration, there should not be any demonstration inside the factory or within 100 metres

radius of the gate of the factory. This judgment is without prejudice to the right of the contesting respondents or any other workers to raise industrial disputes.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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